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United States Senate

SELECT COMMITTEE ON INTELLIGENCE

(PURSUANT TO S. RES. 400, 94TH CONGRESS)

WASHINGTON, D.C. 20510

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W.T.
File: "Congressional
Policy"

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August 10, 1982

The Honorable William J. Casey
Director of Central Intelligence
Central Intelligence Agency
Washington, D.C. 20505

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Dear Mr. Casey:

The Senate Select Committee on Intelligence has been informed that certain Congressional documents, currently in the physical possession of your Agency, have been requested in the above civil action. More specifically, we understand that the documents sought include a letter from the Committee requesting certain information and material prepared by your Agency in response to this and related inquiries by the Committee.

We oppose the release of these documents. We take this position based on the Congressional document exemption to the Freedom of Information Act. We understand that the Agency will assert this as well as such additional and alternative exemptions that are applicable to these materials.

This Committee (pursuant to S. Res. 400, 94th Congress), and its predecessor, the Select Committee to Study Governmental Operations with Respect to Intelligence Activities (pursuant to S. Res. 21, 94th Congress), have exchanged with your Agency considerable information and documents of a very sensitive nature. For historical and practical reasons, this exchange of information and documents is an essential part of the consultative and deliberative process between the two branches. It is essential that this process continue if this Committee is to discharge its Constitutional obligations to the U.S. Senate and the American people.

The Honorable William J. Casey

Page Two

August 10, 1982

The intent that types of documents at issue in this case remain under Congressional control is evident from the responsibilities and policies of this Committee and its predecessor. In furtherance of this intent, it has been the practice of the intelligence agencies to maintain the confidentiality of such documents in their possession and to withhold them in response to FOIA and similar requests unless and until authorized by the Committee.

For the above reasons, we consider all documents generated by our Committee and those generated at an agency pursuant to our request to be Congressional documents and therefore exempt under the Freedom of Information Act. We have taken this same position in writing for over three years, the time when we were first notified of Freedom of Information Act requests for Committee related documents which were in the physical possession of an agency.

When this Committee completes its work in an area, it carefully weighs all relevant considerations and then determines, according to the applicable Senate rules, what information can and should be released to the public. Consistent with this approach, strict security procedures are in effect for all of the Committee's intelligence records.

This Committee and its predecessor from time to time have published reports on various aspects of its work. However, upon review of the materials in question, the Committee finds that release of this information to the public is not warranted at this time.

Sincerely,


Barry Goldwater
Chairman

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